

Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application.

#### SPECIES ELECTION

The Office Action further required election of one of the following species:

- 1) **First compounds** selected from A) Amphiregulin; B) Betacellulin; C) Epiregulin; D) Heparin-binding EGF-like growth factor; E) Schwannoma-derived growth factor; F) Shope fibroma virus growth factor; G) Teratocarcinoma-derived growth factor; H) Transforming growth factor- $\alpha$ ; I) vaccinia growth factor; J) Heregulin; K) Neuregulin-3;
- 2) **Second compounds** selected from A) compounds that increase the expression of fibronectin; B) compounds that increase the expression of laminin; C) compounds that inhibit a naturally occurring signal that would otherwise inhibit migration; D) neurochemical blocking compounds; E) retinoic acid compounds; and F) brain-derived neurotrophic compounds;
- 3) **Neurological deficits** selected from A) a neurodegenerative disease; B) a neurotoxic injury; C) a disease of the spinal cord; D) an infection; E) a developmental disorder; F) an inflammatory disease; G) an autoimmune disease; H) a disorder affecting olfaction; I) a disorder affecting audition; J) a disorder affecting somatosensation; K) a disorder affecting olfaction; L) a traumatic injury; M) a demyelinating disease; N) Alzheimer's Disease; O) Huntington's Disease; P) Parkinson's Disease; Q) an ischemia; and R) a stroke.

Applicants hereby elect the following species from each of the above three groups:

- 1) **First compounds:** Species H, i.e., TGF- $\alpha$ . The claims readable on this species are claims 1-8, 16, and 20-62. Of the claims of elected Group I, the claims readable on this species are claims 1-8, 16, and 20-33.
- 2) **Second compounds:** Species C, i.e., compounds that inhibit a naturally occurring signal that would otherwise inhibit migration. The claims readable on this species are claims 1-20, 27-29, 33-54, 61, and 62. Of the claims of elected Group I, the claims readable on this species are claims 1-20, 27-29, and 33.
- 3) **Neurological deficits:** Species A, i.e., a neurodegenerative disease. None of the elected Group I claims are readable on this species.

The Office Action stated that claims 1, 34, 54, 57, 61, and 62 are generic.

This species election is made with traverse.

As stated in 37 C.F.R. §1.141, more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an

allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim.

Applicants submit that the claims are directed to a reasonable number of species. Accordingly, Applicants submit that the species election requirement is not proper.

Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected species during the pendency of this application.


With respect to election of species, Applicants respectfully request rejoinder of withdrawn species claims upon allowance of a claim that encompasses the currently withdrawn species.

## II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCAL263CIP.

Respectfully submitted,  
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